

REMARKS

Claims 1-7 are pending. By this Amendment, Claim 1 is amended. No new matter is presented.

Applicants respectfully acknowledge and appreciate the courtesies extended to Applicants' representative during the telephonic interview conducted February 25, 2004. The points discussed during the interview are incorporated herein.

Claims 1, 4 and 6-7 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,956,947 to Tanaka et al. (hereinafter "Tanaka"). Applicants respectfully traverse the rejection.

Claim 1 recites an exhaust emission control system of an internal combustion engine for cleaning exhaust gases discharged from the engine, including, among other features, a control device that switches the exhaust gas flow path to a bypass exhaust passage only to direct all of the exhaust gas flow path through the bypass exhaust gas passage when the adsorbed unburned constituents is released from an adsorbent material. Applicants respectfully submit that, as noted in paper number 17 memorializing the February 25, 2004 telephonic interview, Tanaka does not disclose or suggest such a feature. Rather, as noted during the interview, Tanaka diverts a portion of the bypassed exhaust to the EGR pipe when the bypass is opened.

To qualify as prior art under 35 U.S.C. §102, a single reference must teach, i.e., identically describe, each feature of a rejected claim. As explained above, Tanaka does not disclose or suggest each and every feature recited by Claim 1. Accordingly, Applicants respectfully submit Claim 1 is not anticipated by nor rendered obvious in view of Tanaka and should be deemed allowable.

Claims 4 and 6-7 depend from Claim 1. It is respectfully submitted that these three (3) dependent claims be deemed allowable for at least the same reasons Claim 1 is allowable as well as for the additional subject matter recited therein.

Applicants respectfully request withdrawal of the rejection.

Claims 1-7 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,396,764 to Rao et al. (hereinafter "Rao") in view of Tanaka. Applicants respectfully traverse the rejection.

Claim 1 recites an exhaust emission control system of an internal combustion engine for cleaning exhaust gases discharged from the engine, including, among other features, a control device that switches the exhaust gas flow path to a bypass exhaust passage only to direct all of the exhaust gas flow path through the bypass exhaust gas passage when the adsorbed unburned constituents is released from an adsorbent material. Applicants respectfully point out the Response submitted February 6, 2003 successfully argued Rao does not teach or suggest a control device that switches the exhaust gas flow path to the bypass exhaust passage only when the adsorbed constituents are released from the adsorbent material. Accordingly, Applicants respectfully submit that Rao also does not teach or disclose a control device that switches the exhaust gas flow path to a bypass exhaust passage only to direct all of the exhaust gas flow path through the bypass exhaust gas passage when the adsorbed unburned constituents are released from an adsorbent material. Moreover, as noted above with respect to the rejection under 35 U.S.C. §102, Tanaka does not disclose or suggest such a feature.

To establish *prima facie* obviousness, each and every feature of a rejected claim must be taught or suggested by the applied art of record. See M.P.E.P. §2143.03. As explained above, Rao and Tanaka, alone or in combination, fail to teach or suggest each and every feature recited by Claim 1. Accordingly, Applicants respectfully submit Claim 1 is not rendered obvious in view of the Rao and Tanaka combination and should be deemed allowable.

Claims 2-7 depend from Claim 1. It is respectfully submitted that these six (6) dependent claims be deemed allowable for at least the same reasons Claim 1 is allowable as well as for the additional subject matter recited therein.

Applicants respectfully request withdrawal of the rejection.

In view of the foregoing, reconsideration of the application, withdrawal of the outstanding rejections, allowance of Claims 1-7, and the prompt issuance of a Notice of Allowability are respectfully solicited.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing docket number 107355-00052.**

Respectfully submitted,
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